

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VIAAS INC.,

Plaintiff,

v.

AMAZON.COM, INC. and
RING LLC,

Defendants.

Case No. 6:22-cv-01041-KC

JURY TRIAL DEMANDED

**JOINT MOTION TO STAY PROCEEDINGS
UNTIL MOTION TO DISMISS IS RULED UPON**

STATEMENT OF THE ISSUES

1. Should the Court stay the proceedings until the Court rules on Defendants' Motion to Dismiss (ECF No. 13)?

I. FACTUAL BACKGROUND

Plaintiff VIAAS Inc. filed the instant action on October 6, 2023, accusing Defendants Amazon.com, Inc. and Ring LLC of infringing two U.S. patents. ECF No. 1. On February 1, 2023, Defendants filed a Motion to Dismiss under Rules 12(b)(1) and 12(b)(5). ECF No. 13. Plaintiff responded on March 1, 2023, ECF No. 20, and Defendants replied on March 8, 2023, ECF No. 23. The parties dispute whether Plaintiff owns the asserted patents such that it has Article III standing to bring the instant action, and whether Plaintiff properly served Defendants. These disputes are ripe for resolution.

The defendants in the four related cases Plaintiff filed concurrent with the instant action have all filed motions to dismiss under Federal Rule of Civil Procedure 12(b)(1) on similar grounds:

- *VIAAS Inc. v. Google LLC*, No. 6:22-cv-1048-KC, ECF No. 10 (W.D. Tex. Jan. 30, 2023).
- *VIAAS Inc. v. Vivint, Inc.*, No. 6:22-cv-1052-KC, ECF No. 35 (W.D. Tex. Feb. 21, 2023).
- *VIAAS Inc. v. ADT LLC*, No. 6:22-cv-1046-KC, ECF No. 17 (W.D. Tex. Feb. 24, 2023).
- *VIAAS Inc. v. Cisco Sys. Inc.*, No. 6:22-cv-1047-KC, ECF No. 32 (W.D. Tex. Mar. 10, 2023).

If Defendants' Motion to Dismiss is granted, the instant action will terminate—and likely resolve the standing issues in the four related cases.

The parties jointly move to stay proceedings in the instant action until such time as the Court enters a ruling on the Defendants' Motion to Dismiss. The parties request that the Court order that all deadlines be stayed and that no party shall have any obligation to respond to any request or motion by its opponent, until such time as the Court rules on Defendants' Motion to Dismiss.

II. ARGUMENT

It is well settled that “the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Courts in this District have identified three factors to consider when evaluating discretionary stays: “(1) the potential prejudice to the non-moving party; (2) the hardship and inequity to the moving party if the action is not stayed; and (3) judicial resources.” *Neodron Ltd. v. Dell Techs. Inc.*, No. 1:19-cv-819-ADA, 2019 WL 9633629, at *1 (W.D. Tex. Dec. 16, 2019); *Sparling v. Doyle*, No. EP-13-CV-00323-DCG, 2014 WL 12489985, at *2 (W.D. Tex. Mar. 3, 2014).

By filing jointly, the parties recognize they will suffer no undue prejudice from a stay. Further, a stay will conserve judicial and party time and resources. If this case is not stayed, Defendants may have to serve preliminary invalidity contentions and technical documentation sufficient to show the operation of the accused products; the parties may have to engage in *Markman* briefing and briefing related to a motion to transfer Defendants intend to file, along with any accompanying discovery; and the Court may have to rule on potential venue or *Markman* discovery disputes. If the Court grants Defendants’ Motion to Dismiss without staying, the parties’ efforts and resources will have been wasted.

III. CONCLUSION

For the reasons stated above, Plaintiff VIAAS Inc. and Defendants Amazon.com, Inc. and Ring LLC request that the Court stay the proceedings pending resolution of the Defendants’ Motion to Dismiss (ECF No. 13). A proposed Order is attached.

Dated: March 27, 2023

Respectfully submitted,

/s/ Brian C. Nash
Brian C. Nash
TX Bar No. 24051103
Regan J. Rundio
TX Bar No. 24122087
MORRISON & FOERSTER LLP
701 Brazos Street, Suite 1100
Austin, TX 78701
Tel: (737) 309-0700
BNash@mofo.com
RRundio@mofo.com

Counsel for Amazon.com, Inc. and Ring LLC.

Ramey LLP

/s/ William P. Ramey, III (with permission)
William P. Ramey, III
Texas Bar No. 24027643
5020 Montrose Blvd., Suite 800
Houston, Texas 77006
(713) 426-3923 (telephone)
(832) 900-4941 (fax)
wramey@rameyfirm.com

Attorneys for VIAAS Inc.

CERTIFICATE OF CONFERENCE

On March 23, 2023, I conferred with counsel for Plaintiff VIAAS Inc., William P. Ramey III, concerning the relief sought in this motion. Counsel for Plaintiff is not opposed to the relief sought in this motion.

/s/ Brian C. Nash
Brian C. Nash

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on March 27, 2023.

/s/ Brian C. Nash
Brian C. Nash